



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,266	10/03/2001	Rudolf Ritter	213933US2PCT	8749

22850 7590 06/30/2005

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

WRIGHT, NORMAN M

ART UNIT PAPER NUMBER

2134

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/926,266

Applicant(s)

RUDOLF RITTER ET AL

Examiner

Norman M. Wright

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-25, 27, 29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31-40 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 26 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/21/01.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.


NORMAN M. WRIGHT
PRIMARY EXAMINER

DETAILED ACTION

1. The examiner acknowledges an amendment filed on 10/3/01 canceling claims 1-20 without prejudice and adding new claims 21-40. New claims 21-40 are now outstanding.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-25, 27, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Ritter 6,859,650, hereinafter '650 in view of Goldstein et al., 6,216,227, hereinafter '227.

As to claims 21, Ritter '650 teaches a method, device, chip card, and communication system comprising a access control service device, a memory module, a mobile communication terminal, data exchanges between memory module and reading device, contact less interface, a/various transmission channels, a call number, and data exchanges, see abs., background, and summary, figs. 1-2, col. 3, lines 40-43 et seq. and 47-60 et seq., col. 4, lines 3-50 et seq., col. 4, lines 65 et seq., - col. 5, lines 6 et seq.. Not explicitly taught is the use of his invention for ordering, purchasing, receiving and using electronic tickets.

Art Unit: 2134

Goldstein et al '227, teaches the use of ordering, loading, and using admission tickets, stored in memory, to control access, a mobile communication terminal, a decision means, account ticket information, and a reservation center (see figs. 2 and 4-5, abstract, background, col. 2, col. 3, lines 8-35 et seq., col. 4, lines 10-60, col. 5, lines 12-20, and col. 7, lines 12 et seq., and col. 8, lines 1-6 et seq. and lines 57 et seq.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the invention of Goldstein '227 into the invention of Ritter '650. One of ordinary skill in the art would have realized, that the invention of '650 could have been programmed into '650 to provide the services of ticket ordering, purchasing, and use, because, '650 teaches that his invention may be utilized to perform various services. '650 at column 6, lines 26 recites that the invention may be utilized with service providers and various applications. One of ordinary skill in the art would have been motivated to perform such a modification, because, '650 teach that his invention maybe utilized with the internet and JAVA to provide browser functions and execute instructions (col. 9, lines 1-10). Thus acting as a point of sales or teller/cashier machine. He also shows that his invention may be loaded with programs from a network to effect programming of the chip card (col. 2, lines 8, and col. 8, lines 10 et seq.).

As per claims 22-24, '227 teach a ticket/seat number, a digital signature, access control service device/ venue data, marking the ticket as used (figs. 2, 4-5 [212-216, 212a-216a], [220a/c], col. 4, lines 28 et seq.).

Art Unit: 2134

As per claims 25 and 27, '650 are silent with respect to reading device transmitting device identification, or digitally signed device identification for authentication prior to the decision being rendered. The examiner takes official notice of both the motive and modification necessary for '650 to have the reading device authenticated prior to the decision being made for access of the ticket. It would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the program routine to authenticate a device (reading) prior to authenticating the electronic tickets, this is notoriously well known in the art. A person of ordinary skill in the art would have been motivated to authenticate a device prior to its use, because one of ordinary skill in the art would have realized that a data object, which is contained in a memory, of which it is to be validated for controlling access to a given event could have been misappropriated or copied. The additional use of authenticating the device with a particular event would afford an extra measure of security by not only requiring that the memory contents of the chip card are correct, but that the device which performs the authentication is one that can be trusted as well. This is a notoriously well-known concept in the data processing arts.

As per claims 29, '227 validation of the device is done prior to the loading of the ticket, and venue information is stored as part of the ticket information (col. 7, lines 62 et seq., and col. 8, lines 55 et seq.).

As per claim 30 '650 teaches a contactless interface with energy being supplied by a reading device (col. 2, lines 50 et seq., and col. 6, lines 47 et seq.).

Allowable Subject Matter

3. Claims 31-40 are allowed.
4. Claims 26 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is an examiner's statement of reasons for allowance: As to claim 31, a search of the prior art fails to teach or render as obvious the claim as a whole and of particular note, the features of a system for ordering and loading ticket information, via a loading module having a transceiver for exchanging data with reading devices, and communication module that exchanges data between a memory module and decision-making modules, and further wherein the reservation center receives orders by various channel and call the number contained within the order corresponding to a communication terminal.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norman M. Wright whose telephone number is (571)

Art Unit: 2134

272-38344. The examiner can normally be reached on weekdays from 8 am to 4 pm. If any attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Norman M. Wright
Primary Examiner
Art Unit 2134